

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
WILLIAM A. DOUGHERTY,

Plaintiff,

-against-

COUNTY OF SUFFOLK, RAMONA TORRES, Individually,
JOHN GARGIULO, Individually, DENISE NEEDHAM,
Individually, THOMAS WILSON, Individually,
SALVATORE SALVAGGIO, Individually, MICHAEL
PFENNIN, Individually, and KENNETH WARNER,
Individually,

Defendants.

VERDICT FORM

CV 13-6493 (AKT)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
N.Y.
APR 30 2018

-----X
TOMLINSON, A. KATHLEEN, Magistrate Judge

LONG ISLAND OFFICE

According to the principles of law as charged by the Court and the facts as you find them, please answer the following questions:

AS TO THE ALLEGED FEDERAL SECTION 1983
"DELIBERATE INDIFFERENCE" CLAIM

1. Did the Plaintiff William Dougherty prove that his constitutional rights were violated by the deliberate indifference to his safety/failure to protect him by one or more of the following defendants:

RAMONA TORRES	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
JOHN GARGIULO	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
DENISE NEEDHAM	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
THOMAS WILSON	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

c+Exhs

107

SALVATORE SALVAGGIO	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
MICHAEL PFENNING	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
KENNETH WARNER	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

If your answer to question 1 is "YES" for one or more of the Defendants, you have found a verdict in favor of the Plaintiff William Dougherty in the Federal Section 1983 "deliberate indifference" claim. Please proceed to question 2.

If your answer to question 1 is "NO" for one or more of the Defendants, you have found a verdict in favor of that defendant or defendants in the Federal Section 1983 "deliberate indifference" claim. Please proceed to question 2.

**AS TO THE ALLEGED NEGLIGENCE CLAIM
UNDER NEW YORK STATE LAW**

2. Did the Plaintiff William Dougherty prove by a preponderance of the evidence that one or more of the following defendants were negligent?

RAMONA TORRES	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
JOHN GARGIULO	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
DENISE NEEDHAM	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
THOMAS WILSON	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
SALVATORE SALVAGGIO	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
MICHAEL PFENNING	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
KENNETH WARNER	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

If your answers to question 2 are “YES” for one or more defendants, you have found a verdict in favor of the Plaintiff William Dougherty against one or more of the Defendants, and the County of Suffolk, on the negligence claim under New York State Law. Please proceed to question 3.

If your answers to question 2 are “NO” for all of the Defendants, you have found a verdict in favor of the defendants on the negligence claim under New York State Law.

INSTRUCTIONS

If your answers to both questions 1 and 2 are “NO” for all Defendants, do not answer the damages questions, cease deliberations, and the foreperson should sign and date the verdict sheet and advise the Court by note that you are ready to return to the courtroom to announce your verdict.

On the other hand, if you have found a verdict in favor of Plaintiff WILLIAM DOUGHERTY on any of the causes of action, please answer the appropriate damages questions that follow.

AS TO DAMAGES

Compensatory Damages

Only As to the Federal Section 1983 Deliberate Indifference
and the New York State Negligence Claims

3. Please state the amount of damages, if any, you award to the Plaintiff William Dougherty for his physical injuries, pain and suffering, and emotional distress from August 24, 2012 to the present date. \$ 40,000.00

4. Please state the amount of damages, if any, you award to the Plaintiff William Dougherty for his future pain and suffering and emotional distress.

\$ 150,000.00

Punitive Damages

You are to consider the subject of punitive damages only with regard to the individual Defendant Corrections Officers on any of the causes of action.

5. Do you award punitive damages to the Plaintiff William Dougherty against the one or more of the following Defendants?

RAMONA TORRES	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
JOHN GARGIULO	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
DENISE NEEDHAM	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
THOMAS WILSON	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

SALVATORE SALVAGGIO YES NO

MICHAEL PFENNING YES NO

KENNETH WARNER YES NO

If your answer to question 7 is "YES", please answer question 8. If your answer to question 8 is "NO", cease deliberations, the foreperson should sign and date the Verdict Sheet and advise the Court by note that you are ready to return to the courtroom to announce your verdict.

6. We award punitive damages in favor of the Plaintiff William Dougherty against the the following Defendants:

RAMONA TORRES \$ 0

JOHN GARGIULO \$ 0

DENISE NEEDHAM \$ 0

THOMAS WILSON \$ 0

SALVATORE SALVAGGIO \$ 60,000.00

MICHAEL PFENNING \$ 0

KENNETH WARNER \$ 0

Foreperson, please sign and date the verdict sheet and advise the Court by note that you are ready to return to the courtroom to announce your verdict.

Dated: Central Islip, New York
April 30, 2018

Janes Shumard
FOREPERSON